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July 12, 2022

The Honorable Colm F. Connolly
Chief Judge
United States District Court
J. Caleb Boggs Federal Building
844 N. King Street, Unit 31
Room 4124
Wilmington, DE 19801-3555

**Re: *Yucaipa American Alliance Fund II, L.P., et al v.*
*ASHINC Corporation, 1:18-cv-01467 (D. Del) (CFC)***

Dear Judge Connolly:

The above-referenced appeal has been stayed pursuant to Your Honor's Order of October 18, 2018 (D.I. 6) "to see whether a global resolution" of the parties' disputes can be reached. Pursuant to Your Honor's Oral Order dated January 12, 2022, the parties respectfully submit this joint status report.

Settlement efforts between the parties in the Related Proceedings¹ are ongoing and, as such, briefing in both Yucaipa's appeals from the Bankruptcy Court's Order and Judgment on the parties' cross-motions for summary judgment (Civil Action Nos. 21-cv-994 and 21-cv-995) and the Trustee's appeals from the Bankruptcy Court's post-trial judgment on the remaining claims (Civil Action Nos. 22-cv-634 and 22-cv-635) have been stayed.

¹ The Related Proceedings are (1) *Catherine E. Youngman, Litigation Trustee for ASHINC Corp., et al. v. Yucaipa American Alliance Fund I, L.P., et al.*, Adv. Pro. No. 13-50530 (Bankr. D. Del.), and (2) *Catherine E. Youngman, Litigation Trustee for ASHINC Corp., et al. v. Yucaipa American Alliance Fund I, L.P. et al.*, Adv. Proc. No. 14-50971 (Bankr. D. Del.).

A Pennsylvania Limited Liability Partnership

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Accordingly, the parties agree that in the interest of preserving judicial resources, the above-referenced appeal should also remain stayed subject to Your Honor's Order of October 18, 2018 (D.I. 6) until either party concludes that settlement discussions have been exhausted without a resolution. At such time, the parties will confer on mutually agreeable dates for merits briefing on the various appeals and submit a proposed stipulated order for the Court to approve.

The parties are available at the Court's convenience should Your Honor have any questions.

Respectfully,

/s/ Seth A. Niederman

Seth A. Niederman

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SAN/mls

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